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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	PATENT
	:	
Bernd Hansen	:	PATENT
	:	
Serial No.: 10/517,204	:	Group Art Unit:
	:	
Filed: December 8, 2004	:	Examiner:
	:	
For: PRODUCTION DEVICE	:	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

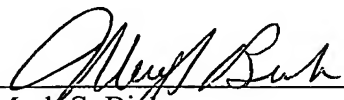
**SUBMISSION OF ENGLISH LANGUAGE  
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

  
\_\_\_\_\_  
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Dated: May 17, 2006

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

Bartels und Partner  
Patentanwälte

BARTELS UND PARTNER  
Lange Strasse  
70174 Stuttgart  
ALLEMAGNE

Eingegangen:  
Received: 04. MAI 2006

TERMIN .....

Date of mailing (day/month/year) 27 April 2006 (27.04.2006)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 40rhk/229172	
International application No. PCT/EP2004/004419	International filing date (day/month/year) 27 April 2004 (27.04.2004)
Applicant HANSEN, Bernd	

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 89 75

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Bartels und Partner Patentanwälte	
Eingegangen: Received:	04. MAI 2006
TERMIN .....	

Applicant's or agent's file reference 40rhk/229172	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/004419	International filing date (day/month/year) 27 April 2004 (27.04.2004)	Priority date (day/month/year) 23 May 2003 (23.05.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant HANSEN, Bernd			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I  | Basis of the report   |
| <input checked="" type="checkbox"/> Box No. II | Priority  |
| <input type="checkbox"/> Box No. III           | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV            | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI            | Certain documents cited   |
| <input type="checkbox"/> Box No. VII           | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII          | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 18 April 2006 (18.04.2006)
	Authorized officer  Ellen Moyse  Telephone No. +41 22 338 89 75

Bartels und Partner  
Patentanwälte

Eingegangen:

Received: 04. MAI 2006

PATENT COOPERATION TREATY

TERMIN .....

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

40rhk/229172

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/004419

International filing date (day/month/year)

27.04.2004

Priority date (day/month/year)

23.05.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

HANSEN, Bernd

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/004419

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/004419

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2004/004419

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	6, 8, 9	YES
	Claims	1-5, 7, 10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

**2. Citations and explanations:**

1. This opinion makes reference to the following documents:

D1: PATENT ABSTRACTS OF JAPAN, vol. 0131, no. 22 (M-807), 27 March 1989 (1989-03-27) & JP 63 297024 A (TOPPAN PRINTING CO LTD), 5 December 1988 (1988-12-05)

D2: US 6 214 282 B1 (KATOU TAKAAKI ET AL) 10 April 2001 (2001-04-10)

D3: US-A-3 883 286 (HAFELE ROBERT X ET AL) 13 May 1975 (1975-05-13)

**2. INDEPENDENT CLAIM 1**

2.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 is not based on an inventive step within the meaning of PCT Article 33(3).

2.1.1 Document D1 is considered to be the prior art closest to the subject matter of claim 1. It discloses a production device from which the subject matter of claim 1 differs in that the

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/004419

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

filling and closing of the blow-moulded container  
takes place in a single station.

2.1.2 The problem addressed by the present invention can  
therefore be considered that of providing a device  
which allows the production of containers with a  
shaped head geometry.

2.1.3 The solution proposed in claim 1 of the present  
application cannot be regarded as inventive for  
the following reasons (PCT Article 33(3)):

To adapt the device according to D1, in which,  
after filling, the blow-moulded containers are  
closed by means of a cap in a further station, for  
the production of containers with a shaped head  
geometry, to allow containers of this type also to  
be produced at high speed would be an obvious  
measure to a person skilled in the art. Since the  
filling and closing of containers of this type  
with a shaped head geometry usually takes place in  
a single station (cf. D2 in this respect), a  
person skilled in the art adapting the device  
according to D1 to containers with a head geometry  
by using the teaching according to D2 would  
inevitably arrive at a device according to claim  
1.

3 DEPENDENT CLAIMS 2-5, 7, 10

Claims 2-5, 7, 10 do not contain any features  
which, in combination with the features of any



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/004419

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

claim to which they relate, meet the PCT  
requirements for novelty or inventive step.

With respect to claims 2 and 3, it should be noted  
that the use of four stations would be obvious to  
a person skilled in the art, because the  
combination of D1 and D2 would lead to a device  
which carries out four method steps.

For claim 7, D3 is to be taken into consideration  
in particular.

4 DEPENDENT CLAIMS 6, 8, 9

The combination of features contained in the  
dependent claims is neither known from the present  
state of the art nor suggested by it, since no  
suggestion of such an arrangement of the moulding  
devices and drives is given in the prior art.